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**DATE:** August 11, 2004

**TO:** Missing Parts

**FAX NO.:** (703) 746-4060

**FROM:** Jeffrey L. Wilson (alb)

**RE:** Serial No. 10/785,242; Atty Docket No. 1503/6

NUMBER OF PAGES TO FOLLOW: 12

If transmission is poor, or if you do not receive all pages, please call (919) 493-8000 as soon as possible.

**COMMENTS:**

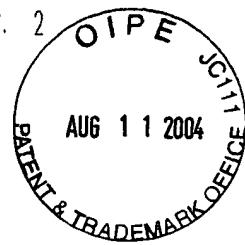
Attachment: Transmittal Letter (1 page);  
Response to Notice to File Missing Parts (2 pages);  
Copy of Notice to File Missing Parts (2 pages);  
Executed Declaration (4 pages);  
Petition for Extension of Time Under 37 CFR 1.136(a)  
(2 pages); and  
Fee Transmittal (PTO/SB/17, 1 page).

The information contained in this facsimile message is ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the individual or entity named as recipient. If the reader is not the intended recipient, be hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by phone and return the original message to us at the address shown above via the U.S. Postal Service. Thank you.

JENKINS  
WILSON  
& TAYLOR

patent attorneys

August 11, 2004



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JEFFREY CHILDERS, PH.D.

OF COUNSEL  
SOROJINI BISWAS

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AUG. 11. 2004 3:42PM

JENKINS & WILSON

NO. 496

P. 3



I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

Angela L. Boyd

Date of Signature August 11, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Motsinger et al.

Group Art Unit: To Be Assigned

Serial No.: 10/785,242

Examiner: To Be Assigned

Filed: February 24, 2004

Docket No.: 1503/6

Confirmation No.: To Be Assigned

For: METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR  
MONITORING A SERVER APPLICATION

\*\*\*\*\*

RESPONSE TO NOTICE TO FILE MISSING PARTS  
- FILING DATE GRANTED

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is pursuant to the "Notice to File Missing Parts of Application - Filing Date Granted" dated May 18, 2004. A Petition for a one-month Extension of Time is filed herewith extending the time for response up to and including August 18, 2004.

Please find enclosed the following:

1. An original executed Declaration for the above-referenced U.S. Patent Application; and

08/12/2004 10ALINAN 00000110 500426 10785242

02 LEE:2251

55.00 DA

Appl. Serial No.: 10/785,242

2. A Petition for Extension of Time under 37 CFR 1.136(a) for the above-referenced U.S. Patent Application.

A copy of the Notice to File Missing Parts is being filed simultaneously.

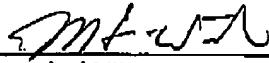
The Commissioner is hereby authorized to charge the amount of \$120.00 (\$65.00 representing the Missing Parts surcharge fee for a small entity and \$55.00 representing the Petition for Extension of Time fee) in connection with the filing of this correspondence, and is hereby authorized to charge any other fee associated with the filing of this correspondence, to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Date: 8-11-04

By:

  
\_\_\_\_\_  
Jeffrey L. Wilson  
Registration No. 36,058  
Customer No: 25297

1503/6 JLW/alb

Enclosures



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (e) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/785,242	02/24/2004		1503/6

25297  
 JENKINS & WILSON, PA  
 3100 TOWER BLVD  
 SUITE 1400  
 DURHAM, NC 27707

CONFIRMATION NO. 1031

## FORMALITIES LETTER



\*OC000000012702002\*

Date Mailed: 05/18/2004



## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

AUG. 11. 2004 3:42PM

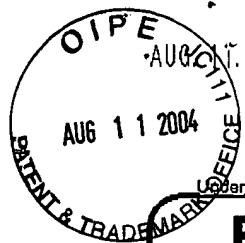
JENKINS & WILSON

NO. 496 P. 6

*HN*  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



AUG 11 2004 3:44PM

JENKINS &amp; WILSON

NO. 496 P. 12

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 120.00)

Complete if Known	
Application Number	10/785,242
Filing Date	February 24, 2004
First Named Inventor	David Lee Motsinger
Examiner Name	To Be Assigned
Art Unit	
Attorney Docket No.	1503/6

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None Deposit Account:

Deposit Account Number 50-0426  
Deposit Account Name Jenkins, Wilson & Taylor, P.A.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee			
1002 340	2002 170	Design filing fee			
1003 530	2003 285	Plant filing fee			
1004 770	2004 385	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
SUBTOTAL (1) (\$)					

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims below	Fee Paid
Total Claims		-20" = <input type="text"/> X <input type="text"/> = <input type="text"/>	
Independent Claims		-3" = <input type="text"/> X <input type="text"/> = <input type="text"/>	
Multiple Dependent			

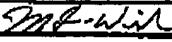
Large Entity	Small Entity	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	" Reissue independent claims over original patent
1205 18	2205 9	" Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	65.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	55.00
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1607 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 365	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 365	For each additional invention to be examined (37 CFR 1.128(b))	
1801 770	2801 365	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$)			120.00

(Complete if applicable)			
Name (Print/Type)	Jeffrey L. Wilson	Registration No. (Attorney/Agent)	36,058 Telephone 919-493-8000
Signature		Date	8-11-04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.